

Panaji, 27th January, 1977 (Magha 7, 1898)

SERIES II No. 44

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

General Administration Department

Order

No. 1-1-69-GAD-V

Shri S. D. Ganjekar, Mamlatdar, is granted earned leave for 22 days with effect from the date of his relief.

Shri X. S. Contoco, Mamlatdar Bicholim is directed to hold the charge of Mamlatdar Satari in addition to his own duties during the absence of Shri Ganjekar on leave.

It is certified that Shri Ganjekar would have continued to officiate as Mamlatdar, Satari but for his proceeding on leave.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardessai, Deputy Secretary (Appointments).

Panaji, 15th January, 1977.

Notification

No. 4-1-75-GAD

Sub: — Holidays to be observed — 1977

In continuation of Government Notification of even number dated 17-11-76 the following two days are declared as closed Holidays and included in the list of Holidays for the year 1977 enclosed with the same notification:

- | | | |
|------------------------------|-------------------|----------------------------|
| 1. Birth day of Guru Ravidas | 4th February, 77 | Magha 15, 1898 (Friday) |
| 2. Mahashivaratri | 16th February, 77 | Magha 27, 1898 (Wednesday) |

The above Holidays are declared under Negotiable Instrument Act, 1881.

The Holiday at Sr. No. 1 is declared in connection with the Sixth Birth Centenary of Guru Ravi Das and as a special case it will be observed as a closed holiday for all the Government offices in Goa, Daman and Diu excepting the Industrial establishment and other units engaged in production of work of an urgent nature.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardessai, Deputy Secretary (Appointments).

Panaji, 12th January, 1977.

Special Department

Order

No. 6-8-74-SPL

In continuation of Government order of even number dated 13th December, 1976 Shri A. D. Aquino, Civil Admini-

nistrator, Diu is sanctioned extension of earned leave for 13 days w. e. f. 19-1-1977 to 31-1-1977.

During the leave period of Shri Aquino and till a regular Officer takes over as Civil Administrator, Diu, Mamlatdar-cum-B.D.O., Diu shall officiate as Civil Administrator, Diu in addition to his own duties.

Certified that Shri Aquino would have officiated as Civil Administrator, Diu but for his proceeding on leave.

On expiry of leave, Shri A. D. Aquino, is transferred and posted as Deputy Registrar of Cooperative Societies, Panaji until further orders.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardessai, Deputy Secretary (Appointments).

Panaji, 21st January, 1977.

Rural Development Department

Order

No. RDD/BAC/16/74-77

Read: — Government Order No. RDD/BAC/16/74 dated 13-12-1974.

In partial modification of Government Order quoted above Shri Narayan P. Gauncar, Chairman of the Taluka Farmer's Service Cooperative Society is appointed as representative of the majority type of Cooperative Societies in Canacona Block in place of Shri Manohar P. Dessai.

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Planning).

Panaji, 17th January, 1977.

Industries and Power Department

Notification

No. IPD/6398/BKP/76

Whereas one Shri Bhailal K. Patel had been granted a mining lease No. 9/NSD/SIL/Quartz/70 dated 28-5-1970 for Quartz over an area of 29.94 Ha. situated at Bandoli of Sanguem Taluka (hereinafter referred to as the said "mining lease");

And Whereas the said Shri Bhailal K. Patel had failed to effect payment of dead rent with effect from 1-4-71 towards the said mining lease and thus has committed breach of the provisions of clause (c) of Sub-rule (1) of rule 27 of the Mineral Concession Rules, 1960;

And Whereas a notice bearing No. DI/Mines//Acts/76/2001 dated 2-6-76, had been served on said Shri Bhailal K. Patel calling upon him to remedy the breach within the period of 60 days from the date of receipt of the said notice;

And Whereas the said Shri Bhailal K. Patel has failed to comply with the notice;

Now, Therefore, in exercise of the powers conferred by sub-rule (5) of rule 27 of the Mineral Concession Rules, 1960 the Lieutenant Governor of Goa, Daman and Diu hereby determines, the said mining lease granted to Shri Bhailal K. Patel under No. 9/NSD/SIL/Quartz/70 dated 28-5-70 with immediate effect without prejudice to any proceeding that may be taken against him.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).

Panaji, 11th January, 1977.

Labour and Information Department

Order

No. CLE/1/ID(15)/73-74/76-77

The following Award given by the Industrial Tribunal Goa, Daman and Diu on an industrial dispute between the Management of M/s. V. S. Dempo & Co. Pvt. Ltd., Panaji and their workman employed under them is hereby published as required under provisions of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947).

P. Noronha, Under Secretary (Industries and Labour).

Panaji, 10th January, 1977.

Before Shri R. V. Kollali, Presiding Officer, Industrial Tribunal Cum Labour Court, Dona Paula

Reference No. IT/13/75

Shri V. D. Manerikar, — 1st Party
54, Sutar Chawl, 2nd floor,
Bombay 400 002.

Versus

M/s. V. S. Dempo & Co. Pvt. Ltd., — 2nd Party
Panaji — Goa.

The Government of Goa, Daman & Diu has made this reference dated 21-2-1975 in this case. The order of reference runs as follows:

"Whether the action of the Management of M/s. V. S. Dempo & Co. Pvt. Ltd., Panaji, Goa in terminating the services of Shri V. D. Manerikar, workman, with effect from 12th January 1973 was justified ?

If not, to what relief the said workman is entitled and from what date ?"

On receipt of the reference it was registered and the employee was called on to file his claim statement which he did on 18th April, 1975. The employer was called on to file his written statement. That was done on 26th June 1975. The employee was required to file his reply. He, however, filed additional claim statement setting out his grounds for his challenge against the proceedings and findings in the domestic enquiry and later filed his reply to the written statement of the employer. The employer was given opportunity to file additional written statement to the additional claim statement of the employee but it was stated on his behalf that no additional reply was being filed. On 13th February, 1976 issues were settled and the matter was posted to 11th March, 1976, for hearing. Since then seven dates of hearing have come to pass. On 28th June 1976 which was the third of these seven dates, the employee's advocate was present and requested for an adjournment of the hearing on preliminary issues in regard to the validity of the reference because it is made in exercise of the powers under Section 12(5) of the Industrial Disputes Act. The case was adjourned to 30th July 1976 on which date the employee and his advocate

sent telegrams from Bombay for adjournment. The case was adjourned to 13th September 1976. It should be stated here that the employee resides in Bombay, for he has so given his address. A notice of the adjourned date was sent to that address by registered post and it was returned on the ground that the addressee was not known. Another notice was then ordered to be sent for the next date and this was served. But there was no communication from the employee who remained absent on the given date. The case was adjourned to 20th December 1976 and another final notice was issued. This has also been served but the employee was not present nor did he send any communication explaining his absence. It may be that he has lost interest in the matter or it may be more indifference to it.

In the light of the circumstances set out above, the issue No. 2(ii) which is a legal issue was heard. It need not be stated again that only the employer's representative was there to argue the point. The reference has been made in exercise of the powers conferred by Section 12(5) of the Industrial Disputes Act. Prima facie, the reference is not valid. The ruling in State of Bombay versus Krishnan (1960, II L.L.J. 592) given by the Supreme Court is quite clear on the point. No reference of an industrial dispute can be made in exercise of the powers under Section 12(5) of the Industrial Disputes Act. The import of the said decision is that Section 12 is a provision for the procedure at the pre-reference stage leading up to the making up of the mind of the Government on the point as to whether a reference should or should not be made and the reference has to be made in exercise of the powers under Section 10(1) of the Act. There having been no exercise of the power under Section 10(1) of the Act, there is no valid reference made in this case. Prima facie, therefore, the reference is untenable. Here I should refer to a communication dated 26th July 1976 from the Government wherein this point of the defect in the reference has been admitted. The communication also said that a corrigendum would be "issued shortly with the approval of Government". To date, however, no corrigendum has been issued. Perhaps, the employee has realised this weakness in his case and has not been showing any interest even though notices of each date of hearing have been served on him. The issuance of a corrigendum would again give rise to a question as to whether the correction is of a substantial nature or not. The employee, a resident of Bombay, would have to meet that hurdle also before the merits of his case can be heard. That would put him to unnecessary expenses. All this trouble can be effectively saved by rejecting this reference on the prima facie technical ground, which will not work as a bar to a fresh reference of the dispute being made. The issue no. 2(ii) is answered in the negative.

Therefore the following award is passed.

"AWARD"

The reference having been made under Section 12(5) is held to be incompetent and rejected.

(R. V. KOLLALI)
Presiding Officer

Date: 24th December, 1976.

Dona Paula, Goa.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).

Notification

No. 1/3962/76-LAB(Fac)/26

In exercise of the powers conferred by sub-section (3) of section 14 of the Payment of Wages Act, 1936 (Central Act 4 of 1936), the Lieutenant Governor of Goa, Daman and Diu hereby appoints Shri S. S. Prabhu Dessai, Labour Inspector (Technical) in the office of the Commissioner, Labour and Employment, Panaji as an Inspector for all the purposes of the said Act in respect of all the classes of Factories, within the Union territory of Goa, Daman and Diu.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).

Panaji, 10th January, 1977.

Notification

No. 1/3962/76-LAB(Fac)/25

In exercise of the powers conferred by Sub-section (5) of Section 8 of the Factories Act, 1948 (Central Act 63 of 1948) the Lieutenant Governor of Goa, Daman and Diu hereby appoints Shri S. S. Prabhu Dessai, Labour Inspector (Technical) in the Office of the Commissioner, Labour and Employment, Panaji as an Additional Inspector for the Union territory of Goa, Daman and Diu for all purposes of the said Act.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).

Panaji, 18th January, 1977.

Revenue Department

Notification

No. RD/TNC/12/65-77

In exercise of the powers conferred by clause (4) of section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964), the Government of Goa, Daman and Diu hereby appoints the Additional Collector, Goa, to perform the functions of the Collector under the said Act, within the jurisdiction of the District of Goa.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. S. Sukthankar, Under Secretary (Revenue).

Panaji, 17th January, 1977.

Notification

No. RD/M/ACT/319/66-77

In exercise of the powers conferred by sub-section (3) of section 22 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966), the Government of Goa, Daman and Diu hereby authorises the Additional Collector of Goa to exercise all the powers of the Collector under section 22 within the jurisdiction of the District of Goa.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. S. Sukhatankar, Under Secretary (Revenue).

Panaji, 17th January, 1977.

Order

No. RD/COM/55/71-77-I

Read:—(i) Govt. order No. RD/COM/55/71 dated 27-12-1972 published in the Official Gazette No. 40, Series II dated 4-1-1975.

(ii) Govt. order No. RD/COM/55/71-74 dated 19-1-1974 published in the Official Gazette No. 43, Series II dated 24-1-1974.

(iii) Govt. order No. RD/COM/55/71-75 dated 2-1-1975 published in the Official Gazette No. 41, Series II dated 9-1-1975.

(iv) Govt. order No. RD/COM/55/71-75 dated 22-12-1975, published in the Official Gazette No. 39, Series II dated 26-12-1975.

The temporary appointment of Shri Orlando Sequeira Lobo and Smt. Elu Miranda as administrators of Comunidades of Tiswadi and Salcete respectively is hereby renewed for a further period of one year with effect from 27-12-1976.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. S. Sukthankar, Under Secretary (Revenue).

Panaji, 24th January, 1977.

Local Self Government Department

Notification

No. 7-24-74-LSG

In exercise of the powers conferred by article 16 of the Legislative Diploma No. 1984 of 14th April, 1960 and all other powers enabling him in that behalf, and in supersession of this Department's Notification of even number dated 16-6-75, published in Official Gazette No. 12, Series II dated 19-6-75, the Administrator of Goa, Daman and Diu hereby:

i) appoints the persons specified in the Schedule below to be Chairman and members of the Council of Providoria;

ii) directs that the persons specified at Serial Nos. 2 and 3 of the Schedule shall hold office for a period of 3 years with effect from 19-6-75 and that the person specified at serial No. 4 shall hold office for a period of 3 years with effect from the date of publication of this Notification in the Official Gazette and they shall be paid allowances from the funds of Providoria at the rate of Rs. 16.25 as admissible to a class I Officer with pay range between Rs. 1100/- to 1650/- for each day of sitting of the Council;

SCHEDULE

- 1) Secretary to Government of Goa, Daman and Diu, Social Welfare Department — Chairman.
- 2) The Chairman of State Social Welfare Advisory Board, Goa, Daman and Diu — Member.
- 3) Shri Gajanan Gaundalkar, Margao — Member.
- 4) Shri Janardan A. Amonkar, President Akhil Goman-tak Harijan Samaj Hitavardak Mandal, Bicholim — Member.
- 5) The Director of Social Welfare Department, Panaji and ex-officio Director of Institute of Public Assistance (Providoria) — Member Secretary.

By order and in the name of the Administrator of Goa, Daman and Diu.

Abel do Rosario, Under Secretary (Development).

Panaji, 24th January, 1977.